

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael George Perry Jr.
Debtor(s)

Bankruptcy Case No.: 19-10234-TPA
Per May 21, 2019 Proceeding
Chapter: 13
Docket No.: 47 - 17
Concil. Conf.: 10/15/19 at 03:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 28, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 10/15/19 at 03:00 PM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Pending further Order of Court, Trustee to only pay M&T Bank for 1140 Robinson as Mortgage, Ocwen and WMC Mortgage Corp. for 1631 West 21st Street, M&% (Claim No. 16) for 2011 Silverado per Plan, and Tendo Credit Union (Claim No. 7) in lieu of Erie Federal Credit Union for the 2007 Fleetwood Trailer per Plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: May 24, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michael George Perry, Jr.
 Debtor

Case No. 19-10234-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 3
 Total Noticed: 60

Date Rcvd: May 24, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 26, 2019.

db +Michael George Perry, Jr., 1140 Robison Road West, Erie, PA 16509-4942
 sp +James L Moran, 3939 West Ridge Road, Suite B-27, Erie, PA 16506-1883
 r +Peter Mitchell, Passport Realty, 2930 West 22nd St., Ste. 102, Erie, PA 16506-2302
 cr +T. Lawrence Palmer Office of Attorney General, Pen, Office of Attorney General,
 1251 Waterfront Place, Mezzanine Level, Mezzanine Level, Pittsburgh, PA 15222-4227
 cr +Tendto Credit Union, f/k/a Erie Community Credit U, 1915 East 36th Street,
 Erie, PA 16510-2663
 15010060 +AES, P.O. Box 61047, Harrisburg, PA 17106-1047
 15024937 Chase, P.O. Box 15123, Wilmington, DE 19850-5123
 15024938 +David J. Apothaker, Esquire, 520 Fellowship Road C306, P.O. Box 5496,
 Mount Laurel, NJ 08054-5496
 15052134 Directv, LLC, by American InfoSource as agent, PO Box 5008, Carol Stream, IL 60197-5008
 15024939 +Diversified Adjustment, 600 Coon Rapids Blvd. NW, Coon Rapids, MN 55433-5549
 15024940 +Erie County Adult Probation, Erie County Courthouse, 140 West Sixth Street,
 Erie, PA 16501-1011
 15010061 +Erie County Tax Claim Bureau, Erie County Courthouse, 140 West Sixth Street, Room 110,
 Erie, PA 16501-1029
 15010062 +Erie Federal Credit Union, 3503 Peach Street, Erie, PA 16508-2741
 15010063 #+Gary V. Skiba, Esquire, 345 West Sixth Street, Erie, PA 16507-1244
 15010064 +Gregory D. Pamula, 1101 Hillborn Avenue, Erie, PA 16505-4141
 15010065 +Gregory L. Heidt, Esquire, 150 East Eighth Street, Suite 1, Erie, PA 16501-1270
 15010067 +James L. Moran, Esquire, 3939 W. Ridge Road, B27, Erie, PA 16506-1883
 15010068 +John C. Melaragno, Esquire, 502 West Seventh Street, Erie, PA 16502-1333
 15024949 +Liberty Mortgage Corporation, 3818 Liberty Street, Erie, PA 16509-1473
 15052086 M&T Bank, PO Box 1508, Buffalo NY 14240-1508
 15010071 M&T Bank, P.O. Box 619063, Dallas, TX 75261-9063
 15010073 M&T Bank Lending Services, Customer Support, P.O. Box 1288, Buffalo, NY 14240-1288
 15024955 +Michael Camesi, 8657 Perry Highway, Erie, PA 16509-5535
 15025730 +Michael Camesi, c/o Philip Friedman, Esq., 17 W. 10th St., Erie, PA 16501-1401
 15024956 +Michael J. Graml, Esquire, 714 Sassafra Street, Erie, PA 16501-1010
 15024957 Mortgage Electronic Registration, Systems, Inc., P.O. Box 2026, Flint, MI 48501-2026
 15019699 +National Collegiate Student Loan Trust 2006-3, Po Box 4275, Norcross, GA 30091-4275
 15024959 Ocwen, P.O. Box 26646, West Palm Beach, FL 33416
 15024960 Ocwen Loan Servicing, P.O. Box 660264, Dallas, TX 75266-0264
 15024961 +Ocwen Loan Servicing LLC, Box #660264, 1010 West Mockingbird Lane, Suite 100,
 Dallas, TX 75247-5126
 15025682 +PHEAA, PO BOX 8147, HARRISBURG PA 17105-8147
 15024964 +PHEAA, P.O. Box 61047, Harrisburg, PA 17106-1047
 15010075 Perry & Pamula, Inc., 430 Cascade Street, Erie, PA 16507
 15010076 +Philip B. Friedman, Esquire, 17 West Tenth Street, Erie, PA 16501-1401
 15024966 +Rebecca Solarz, Esquire, KML Law Group, Mellon Independence Center,
 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 15010077 +Stephanie A. Perry, 1129 Brown Avenue, 2nd Floor, Erie, PA 16502-2322
 15024968 +Tendto Credit Union, 1129 State Street, Erie, PA 16501-1911
 15034101 +Tendto Credit Union, f/k/a Erie Community Credit Union,
 c/o Carol F. Messenger, Payment Solution, 1915 East 36th Street, Erie, PA 16510-2663
 15024969 +Travis Lewis, 1631 West 21st Street, Erie, PA 16502-2118
 15048475 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15054881 +WELLS FARGO BANK, N.A., et.al., PHH MORTGAGE CORPORATION, 1 MORTGAGE WAY, MAIL STOP SV-22,
 MT. LAUREL NJ 08054-4637
 15024974 +WMC Mortgage Corp., P.O. Box 54089, Los Angeles, CA 90054-0089
 15024976 +WMC Mortgage Corporation, 1 Ramland Road, Orangeburg, NY 10962-2627
 15024975 WMC Mortgage Corporation, 6321 Canoga Avenue, 10th Floor, Woodland Hills, CA 91367
 15047196 Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000 Raleigh, NC 27605
 15042537 Wells Fargo Bank, N.A., et.al., OCWEN LOAN SERVICING, LLC, Attn: Bankruptcy Department,
 P.O. BOX 24605, WEST PALM BEACH FL 33416-4605
 15024972 +Wells Fargo Dealer Services, P.O. Box 1697, Winterville, NC 28590-1697

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15024936 +E-mail/Text: bankruptcy@cvaps.com May 25 2019 02:54:54 Cavalry SPV I LLC,
 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595-2321
 15010066 E-mail/Text: cio.bncmail@irs.gov May 25 2019 02:53:45 Internal Revenue Service,
 ATTN: Centralized Insolvency Operations, P.O. Box 7346, Philadelphia, PA 19101-7346
 15056067 E-mail/Text: camanagement@mtb.com May 25 2019 02:53:53 M&T Bank, P.O. Box 840,
 Buffalo, NY 14240-0840
 15010072 E-mail/Text: camanagement@mtb.com May 25 2019 02:53:53 M&T Bank, P.O. Box 1288,
 Buffalo, NY 14240-1288
 15010069 E-mail/Text: camanagement@mtb.com May 25 2019 02:53:53 M&T Bank, P.O. Box 62182,
 Baltimore, MD 21264-2182
 15010070 E-mail/Text: camanagement@mtb.com May 25 2019 02:53:53 M&T Bank, P.O. Box 900,
 Millsboro, DE 19966
 15024958 +E-mail/Text: Bankruptcy@natfuel.com May 25 2019 02:54:28 National Fuel, 1100 State Street,
 P.O. Box 2081, Erie, PA 16512-2081

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 60

Date Rcvd: May 24, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15010074 E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 25 2019 02:54:10 Pa. Dept. of Revenue,
Dept. 280946, Harrisburg, PA 17128-0946
15031711 E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 25 2019 02:54:10
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, Pa. 17128-0946
15024970 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 25 2019 02:53:25
Verizon, P.O. Box 650584, Dallas, TX 75265-0584
15050133 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 25 2019 02:59:40 Verizon,
by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
15024971 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 25 2019 02:53:25
Verizon Wireless, P.O. Box 650051, Dallas, TX 75265-0051
15010078 +E-mail/Text: collections@widgetfinancial.com May 25 2019 02:54:27
Widget Federal Credit Union, 2154 East Lake Road, Erie, PA 16511-1140

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Gregory D. Pamula
cr M&T BANK
cr WELLS FARGO BANK, N.A., ET.AL.
15024935* +AES, P.O. Box 61047, Harrisburg, PA 17106-1047
15027410* +Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
15024941* +Erie County Tax Claim Bureau, Erie County Courthouse, 140 West Sixth Street, Room 110,
Erie, PA 16501-1029
15024942* +Erie Federal Credit Union, 3503 Peach Street, Erie, PA 16508-2741
15024943* +Gary V. Skiba, Esquire, 345 West Sixth Street, Erie, PA 16507-1244
15024944* +Gregory D. Pamula, 1101 Hillborn Avenue, Erie, PA 16505-4141
15024945* +Gregory L. Heidt, Esquire, 150 East Eighth Street, Suite 1, Erie, PA 16501-1270
15024946* Internal Revenue Service, ATTN: Centralized Insolvency Operations, P.O. Box 7346,
Philadelphia, PA 19101-7346
15024947* +James L. Moran, Esquire, 3939 W. Ridge Road, B27, Erie, PA 16506-1883
15024948* +John C. Melaragno, Esquire, 502 West Seventh Street, Erie, PA 16502-1333
15024953* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 626 COMMERCE DRIVE, AMHERST NY 14228-2307
(address filed with court: M&T Bank, P.O. Box 1288, Buffalo, NY 14240-1288)
15024950* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 626 COMMERCE DRIVE, AMHERST NY 14228-2307
(address filed with court: M&T Bank, P.O. Box 62182, Baltimore, MD 21264-2182)
15024951* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 626 COMMERCE DRIVE, AMHERST NY 14228-2307
(address filed with court: M&T Bank, P.O. Box 900, Millsboro, DE 19966)
15024952* M&T Bank, P.O. Box 619063, Dallas, TX 75261-9063
15024954* M&T Bank Lending Services, Customer Support, P.O. Box 1288, Buffalo, NY 14240-1288
15024962* Pa. Dept. of Revenue, Dept. 280946, Harrisburg, PA 17128-0946
15024963* Perry & Pamula, Inc., 430 Cascade Street, Erie, PA 16507
15024965* +Philip B. Friedman, Esquire, 17 West Tenth Street, Erie, PA 16501-1401
15024967* +Stephanie A. Perry, 1129 Brown Avenue, 2nd Floor, Erie, PA 16502-2322
15024973* +Widget Federal Credit Union, 2154 East Lake Road, Erie, PA 16511-1140
TOTALS: 3, * 20, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 26, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 60

Date Rcvd: May 24, 2019

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 24, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
Jerome B. Blank on behalf of Creditor WELLS FARGO BANK, N.A., ET.AL. pawb@fedphe.com
John C. Melaragno, Trustee on behalf of Interested Party John C. Melaragno, Trustee
johnm@mplegal.com,
jmelaragno@IQ7technology.com;katie@mplegal.com;kbernsley@hotmail.com;john.mello21@gmail.com
John C. Melaragno, Trustee johnm@mplegal.com,
jmelaragno@IQ7technology.com;katie@mplegal.com;kbernsley@hotmail.com;john.mello21@gmail.com
Michael J. Graml on behalf of Creditor Gregory D. Pamula mattorney@neo.rr.com,
mjgraml@verizon.net
Michael S. Jan Janin on behalf of Debtor Michael George Perry, Jr. mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m
myers@quinnfirm.com;mtrayer@quinnfirm.com
Nicholas R. Pagliari on behalf of Creditor Tendto Credit Union, f/k/a Erie Community Credit
Union npagliari@mijb.com, sburick@mijb.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
T. Lawrence Palmer on behalf of Creditor T. Lawrence Palmer Office of Attorney General,
Pennsylvania Department of Revenue lpalmer@attorneygeneral.gov, MarkSPalmerPC@aol.com
Thomas Song on behalf of Creditor WELLS FARGO BANK, N.A., ET.AL. pawb@fedphe.com
TOTAL: 11